

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them

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International Caravana of Lawyers and Jurists to Colombia 2014: Sin Abogados no hay Justicia (Without Lawyers, there is no Justice) by

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The International Caravana of Lawyers and Jurists made its fourth biennial visit to Colombia from August 23-31, 2014. Among the 70 or so participants from 12 countries, were lawyers, lawyer trainees, several law students and five judges. The delegates divided into groups and travelled to the following seven regions: Bucaramanga, Buenaventura, Cali, Cartagena, Medellin, Pasto and Santa Marta. While in the regions, the delegates met with regional human rights lawyers and defenders, victims and victims groups, as well as government officials. On return to Bogotá, the Caravana delegates met with courts, human rights lawyers and national groups focused on human rights defence and research, women's rights and indigenous rights. Several delegates attended the debate in Congress regarding the Colombian government's controversial proposal to expand military jurisdiction, a reform project that is opposed on the basis that it violates international human rights law. The delegates also met with their respective embassies, as well as various Colombian government officials, to whom the delegates communicated their observations and concerns raised during the regional visits. The British Embassy hosted a reception for all delegates, at which the British Ambassador recognized the vital and courageous work of Colombian human rights lawyers and defenders.¹

LRWC Delegates to the 2014 Caravana

Lawyers Rights Watch Canada was pleased to send four delegates this year.

Flora Vineberg and Samina Ullah, both students entering their final year at UBC Law School, travelled to Santa Marta and Pasto, respectively.

Vancouver lawyer Heather Neun travelled to Cali, in Valle del Cauca Department, an area that has seen in recent years the highest number of killings of lawyers, as well as a

¹ A description and the video presentations can be viewed at
<http://www.colombiancaravana.org.uk/leading-human-rights-lawyers-in-colombia-receive-recognition-from-the-british-ambassador-in-bogota/>.

worrying levels of harassment, stigmatization and attacks against lawyers, and even an attempted forced disappearance last year.

In 2013, a reported 12 lawyers were killed in the Valle del Cauca Department. LRWC filed a report in May 2014 with UN Human Rights Council on this situation highlighting Colombia's failure to fulfill its duties in response to these attacks, in accordance with international human rights law commitments. The report, *Colombia: Failure to Fulfill Duties in Response to Attacks on Lawyers*, calls on Council to prevent and address the conditions leading to murders and attacks of lawyers working in Cali and the Valle del Cauca Department and ensure criminal accountability for perpetrators of murders, threats and attacks. LRWC and Lawyers for Lawyers made a joint oral statement, *Murder of Lawyers in Colombia – Failure to Prevent or Punish*, to the 26th Session of the Human Rights Council on 13 June 2014.²

The Cali delegates met with human rights victims and human rights lawyers from various groups, including Corporación Justicia y Dignidad. The Corporación is doing important advocacy work regarding extrajudicial executions and other grave human rights actions committed by state actors and other illegal armed actors. As elsewhere, human rights lawyers in this region face enormous obstacles in their efforts to practice their profession.

The fourth LRWC delegate, Justice Brent Knazan of the Ontario Court of Justice, travelled to Bucaramanga with a group that included Judge Ingelse of the Netherlands Court of Appeal. While there, the two judges interviewed Judge Solano, a trial judge who has been convicted of the crime of *prevaricato* (perversion of justice) for issuing a judgment that is manifestly against the law. Judge Solano is under house arrest, which is a condition of his bail pending appeal of conviction. His conviction arises from his judgment of April 2011 in which he allowed a habeas corpus application and ordered the release of a man who was a member of the FARC, one of the guerrilla groups. The allegation is that Judge Solano knew this beforehand and abused his judicial office by purposely ordering the release contrary to the law. Judge Solano's case is under appeal.

The Solano case is considered noteworthy not only because it is a case, among others, of a judge being charged criminally on the basis of giving a judgment, but, because after the decision, the President of Colombia commented on the judgment and said that there were some “rotten apples” on the bench. The case would appear to serve as an important illustration of the operation and importance of the maintenance of a strong culture of judicial independence and specific constitutional guarantees in a country where they have been very much under attack.

The Caravana heard many accounts of the challenges facing lawyers in the practice of their profession. One graphic illustration came during a meeting that Heather Neun and several other delegates attended with the Colombian Association of Labour Lawyers. Within the previous week, one of these lawyers, Arturo Portilla Lizarazo, had received

² *Colombia: Failure to fulfill duties in response to attacks on lawyers* is available online at <http://www.lrwc.org/colombia-failure-to-fulfill-duties-in-response-to-attacks-on-lawyers-report/>.

The oral statement, *Murder of Lawyers in Colombia – Failure to Prevent or Punish*, can be viewed online at <http://www.lrwc.org/failure-to-prevent-and-punish-murder-of-lawyers-in-colombia-joint-statement-of-lrwc-and-l4l-delivered-by-l4l-executive-director-adrie-van-de-streek-to-the-hrc-video/>.

the latest in a series of death threats extending back to January 2014. He had also been subject to illegal surveillance. Based on its review of the threat and the filed criminal complaint, LRWC has sent a letter to President Santos, expressing concern for Mr. Portilla's safety and calling on the State to: (i) extend effective protective measures to him and his family; and (ii) ensure that the relevant state authorities carry out a complete, impartial and effective investigation, so that those responsible are identified and held accountable for the threats and surveillance.

Preliminary Observations, Caravana Objectives and Next Steps

On the final day of the delegation, the International Caravana presented their preliminary observations: *International Caravana of Lawyers – 2014 Colombia: The Search for Real Justice Continues*.³ The International Caravana expects to issue several regional reports in the coming months, as well as a final report in late 2014 or early 2015. The judges will issue a separate report.

A central goal of the Caravana is to draw international attention to and demonstrate concern for the situation for lawyers and other justice system operators, including prosecutors and judges, in Colombia. The physical presence of international observers also helps to protect lawyers and legal professionals, in part, by validating the important role that these actors play in the administration of justice and in ensuring access to justice for Colombians. As Colombian human rights lawyer, Judith Maldonado, observed, the provision of physical protective measures like bulletproof vests and armoured cars may stop the bullets, but initiatives like the Caravana mean that bullets will never be fired in the first place.

This protective component for Colombian lawyers is furthered through the Caravana's follow-up activities between delegations. LRWC is committed to working on collaborative initiatives with the Colombia Caravana UK Lawyers Group, and other groups like Lawyers Without Borders Canada and Lawyers for Lawyers, to strengthen judicial independence and to provide support for human rights lawyers in Colombia and the essential work they do in facilitating access to justice and bringing an end to structural impunity.

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³ *International Caravana of Lawyers – 2014 Colombia: The Search for Real Justice Continues* can be accessed online here: <http://www.colombiancaravana.org.uk/international-caravana-of-lawyers-2014-colombia-the-search-for-real-justice-continues/>.